-GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Surprise check conducted by ACB on Integrated Check Post, Purushottapuram (Itchapuram), Srikakulam district on 24-11-2007 – Certain irregularities noticed – Charges framed against twelve (12) Charged Officers – Inquiry – Findings of Inquiry Authority not accepted – Disagreement factors communicated to Sri M.Satyanarayana, former ACTO, (AO2) (now Retd.) – Representation – Imposing punishment of 7% cut in pension for two years under Rule 9 of A.P.Revised Pension Rules, 1980 – Orders – Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.1216 **Dated: 28-11-2015**
Read the following :

1. From DG, ACB, AP, Hyd, Lr.No.87/DE-S-VSK/07, dt.26-9-2008.
2. Govt.memo No.53382/Vig.I(2)/2008-1, dt.11-11-2008.
3. Charge memo No.897/2008-2/A7, dated 27-12-2008 of DC, (CT), Visakhapatnam (AOCs).
4. Explanation submitted by Sri M.Satyanaranayana, ACTO (Retd) dt.20-02-2009.
5. Prog.No.897/2008-1/A7, dt.25-03-2009 of DC (CT), Visakhapatnam.
6. Prog.No.897/2008-1/A7, dt.25-03-2009 of DC (CT), Visakhapatnam.
7. Rc.No.172/2010 C3, dt.24-08-2010 of AC (CT) (Audit), Vizianagaram (IR).
8. Rc.No.897/08 A7, dt.05-01-2011, of DC(CT) Visakhapatnam,.
9. From CCT, AP., Hyd., Lr.No.V3/1618/2008, dated 25-01-2011.
10. Govt.memo No.53382/Vig.I(2)/2008-6, dt.02-08-2013.
11. Memo No.897/2008/A7, dated 21-10-2013 of DC, (CT), Visakhapatnam (Disagreement factors).
12. Representation dt.13-11-2013 of Sri M.Satyanarayana, ACTO (Retd) received from CCT, AP, Hyd, vide Lr.V3/1618/08, dt.11-12-2013.
13. Govt.Memo No.53382/Vig.II(3)/2008-8, dated 31-08-2015.
14. Representation dt.09-09-2015 of Sri M.Satyanarayana, ACTO, O/o.CTO, Gajuwakda, Visakhapatnam (Retd).
15. Govt.Letter No.53382/Vig.II(3)/2008-9, dated 28-10-2014.
16. From Principal Secretary, A.P.Public Service Commission, Lr.No. 849/DC & C/2/2015, dated 04-11-2015.

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O R D E R :

Whereas in the reference 1st read above, it has been brought to the notice of the Government that the Anti Corruption Bureau officials have conducted a surprise check over the Integrated Check Post, Purushottapuram, (Itchapuram), Srikakulam district on 24-11-2007 on the allegations that the Staff of Commercial Taxes Department are indulging in corrupt practices and recommended to initiate disciplinary action against Sri M.Satyanarayana, former Assistant Commercial Tax Officer, (Charged Officer-2) (now Retired) and eleven (11) others.

2. And whereas, as per the instructions issued by the Government in memo dated 11-11-2008, the Deputy Commissioner (Commercial Taxes), Visakhapatnam and Disciplinary Authority has initiated disciplinary action against the Charged Officers and framed the following two charges against Sri M.Satyanarayana, former Assistant Commercial Tax Officer, (now Retired) (Charged Officer-2), vide reference 3rd read above :

(p.t.o)

Charge.I:-That Sri M.Satyanarayana, while working as Assistant Commercial Tax Officer (FAC), Integrated Check Post, Purushottapuram of Itchapuram Mandal, Srikakulam District allowed collecting illegal gratification varying from Rs.10/- to Rs.100/- from the crew of transport vehicles passing through check post with the connivance of Sri P.Phalgunarao, Junior Assistant, Commercial Taxes Department by putting them under instant threat of detaining their vehicles and the same will be shared by the staff of Commercial Taxes Department.

Charge.II:-That during aforesaid check, Sri M.Satyanarayana, Assistant Commercial Tax Officer (FAC) was found collected Rs.4,100/- as momools illegally on his behalf & on behalf of other officials of Commercial Taxes Department, from crew of transport vehicles passing through check post on 24-11-2007 during surprise check & failed to maintain absolute integrity in violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964

3. The Deputy Commissioner (Commercial Taxes) Visakhapatnam and disciplinary authority examined the Written Statement of Defence submitted by the Charged Officer, as it is not convincing therefore got the matter enquired through Regular Enquiry by appointing Inquiry Authority in the reference 5th read above. The Inquiry Authority after conducting due enquiry into the matter has submitted the Inquiry Report in respect of all the Accused Officers, vide reference 7th read above. In respect of Sri M. Satyanarayana, former Assistant Commercial Tax Officer, (Charged Officer-2), the Inquiry Authority held that both the charges framed against him as not proved. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad has submitted report to the Government along with the Inquiry Report for taking further action against the said Charged Officer under Andhra Pradesh Revised Pension Rules, 1980, as he retired from service on 30-06-2010 on superannuation, vide reference 9th read above.

4. The Government after examining the Inquiry Report observed that the findings of the Inquiry Authority that throwing of money ranging from Rs.10/- to Rs.100/- observed by the Anti Corruption Bureau during the surprise check, is only a practice of the crew for which the staff of the Check Post cannot be put to fault as they neither demanded nor collected the amounts is not correct. It is inconceivable that the transporters would offer cash on their own in a routine matter unless the corrupt practice is put in place by the check post staff and as such the controlling officers, i.e., the Charged Officer along with another are collectively responsible for such nefarious activities, though it is not possible to pin point the guilt of any of the Charged Officers, hence disagreed with the findings of Inquiry Officer and the same was communicated to the Charged Officer through the Deputy Commissioner (Commercial Taxes) Visakhapatnam calling his representation, vide reference 11th read above. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad has submitted report to the Government along with the representation submitted by the Charged Officer to the disagreement factors, vide reference 12th read above, for taking further action.

5. And whereas, the Government after considering the material available on record & after examining the representation of the Charged Officer have provisionally decided to impose a punishment of 7% cut in pension for a period of two (2) years against Sri M.Satyanarayana, former Assistant Commercial Tax Officer, (Accused Officer-2), (now Retired) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 and communicated the same to the Charged Officer vide reference 13th read above to submit his representation. The Charged Officer has submitted representation vide reference 14th read above re-iterating the contents earlier stated and requested to drop further action against him.

(Contd..)

6. Government have examined the matter in detail and decided to confirm the provisional decision i.e., to impose the penalty of 7% cut in pension for a period of two years against Sri M.Satyanarayana, former Assistant Commercial Tax Officer, (Charged Officer-2), (now Retired) as he did not put forth any new grounds for consideration. The concurrence of the Andhra Pradesh Public Service Commission has been obtained in the reference 16th read above (copy enclosed).

7. Government, accordingly hereby order to impose the punishment of 7% (seven percent) cut in pension for a period of two (2) years against Sri M.Satyanarayana, former Assistant Commercial Tax Officer, (Charged Officer-2), (now Retired) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

8. The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.Satyanarayana, former Assistant Commercial Tax Officer, O/o.Commercial Tax Officer, Gajuwaka, Visakhapatnam. (now Retired)
through the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.
The Director General., Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.
The Principal Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Director, Treasuries & Accounts, Andhra Pradesh, Hyderabad.
The Deputy Commissioner, Commercial Taxes, Visakhapatnam.
SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER